

City of Leawood
Planning Commission Agenda
June 25, 2013
Dinner Session – 5:30 p.m. No Discussion of Items
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive
Leawood, KS 66211
913.339.6700 x 160

CALL TO ORDER/ROLL CALL: Levitan, Pateidl, Roberson, Jackson, Rohlf, Williams and Ramsey. Absent: Strauss. Arrived after roll call: Elkins.

APPROVAL OF THE AGENDA:

Mr. Klein: Manors of Mission Farms was pulled off the regular agenda and continued to the July 23rd meeting.

A motion to approve the revised agenda was made by Jackson; seconded by Roberson. Motion approved with a unanimous vote of 6-0. For: Levitan, Pateidl, Roberson, Jackson, Williams and Ramsey.

APPROVAL OF MINUTES:

Approval of the minutes from the May 28, 2013 Planning Commission meeting.

A motion to approve the minutes from the May 28, 2013 Planning Commission meeting was made by Williams; seconded by Roberson. Motion approved with a unanimous vote of 6-0. For: Levitan, Pateidl, Roberson, Jackson, Williams and Ramsey.

CONTINUED TO JULY 23, 2013:

CASE 60-13 – LEAWOOD PLAZA – Request for approval of a Rezoning from SD-NCR (Planned Neighborhood Retail) to SD-CR (Planned General Retail) and Revised Preliminary Plan, located north of 123rd Street and west of State Line Road. PUBLIC HEARING

CASE 61-13 – RANCHMART – Request for approval of a Revised Preliminary Plan, located north of 95th Street and east of Mission Road. PUBLIC HEARING

CASE 67-13 – MANORS AT MISSION FARMS – Request for approval of a Final Plat and Final Plan, located south of W. 105th Street and east of Mission Road.

CONSENT AGENDA:

CASE 68-13 – PARK PLACE – SPACE J-10 – Request for approval of a Final Plan for a Tenant Finish, located south of Town Center Drive and east of Nall Avenue.

CASE 69-13 – PARK PLACE – BELLA BRIDESMAID – Request for approval of Final Plan for a Tenant Finish, located south of Town Center Drive and east of Nall Avenue.

A motion to approve the Consent Agenda was made by Jackson; seconded by Roberson. Motion approved with a unanimous vote of 6-0. For: Levitan, Pateidl, Roberson, Jackson, Williams and Ramsey.

NEW BUSINESS:

CASE 47-13 – TOWN CENTER PLAZA – BRISTOL ADDITION – Request for approval of a Revised Final Plan, located north of 119th Street and east of Nall Avenue.

Staff Presentation:

City Planner Justin Peterson made the following presentation:

Mr. Peterson: This is Case 47-13 – Request for approval of a Revised Final Plan for an addition to the existing Bristol restaurant. The applicant is seeking approval to add an addition to the north side of the restaurant. The addition will measure 15 feet, 4 inches by 15 feet, 4 inches for a total of 230 square feet and will stand 11 feet, 6 inches in height. The proposed addition will match that of the existing facades both in materials and design. The same brick and cast stone will match the existing building. A door is proposed on the east elevation of the addition and will open up to the existing trash enclosure. The applicant is proposing to relocate three existing bushes currently located in the same location as the proposed addition. In an effort to maintain accurate records as well as having an inventory of existing landscaping on the property, staff is recommending the applicant provide an overall landscape plan. Staff recommends approval of Case 47-13 following the stipulations outlined in the Staff Report, and I'd be happy to answer any questions.

Commissioner Elkins joined the meeting.

Chair Rohlf: Could you reiterate the need for a revised landscape plan? I know we've had a couple revisions to this building site before.

Mr. Peterson: We had revisions when they added on the patio. Basically, it is easier for landscape inspections and other things to occur when we have a single plan for referral. It is also better record-keeping.

Chair Rohlf: If not, we would have three, correct?

Mr. Peterson: Correct.

Applicant Presentation:

Kurt Thuenemann, Director of Architecture with Houlihan's Company, 8700 State Line Road, Leawood, KS, 66206, appeared before the Planning Commission and made the following comments:

Mr. Thuenemann: I would like to thank you and staff for considering this addition to the Bristol Leawood project. As you know, we have two restaurants in the community, and our headquarters is also located in Leawood. We have met all the criteria that staff has recommended for this project. The only one we have had some discussion about would be the landscape plan. Our position is that since we are only moving three bushes where the plan is being proposed, we did not see the need to spend \$4,000-\$5,000 for a full generated landscape plan. I think staff thought that maybe we had this material in CAD on record that we could just pull together and provide to them, but we do not have that information. I would have to hire a landscape architect to generate the information.

Chair Rohlf: Were you involved with the company when they added on the outdoor area?

Mr. Thuenemann: I was; in fact, I presented that to the committee.

Chair Rohlf: Was there a revised landscape plan at that time?

Mr. Thuenemann: Yes, we submitted a full landscape package for the scope of work where the patio was being added. At the time, staff did not ask for a full consolidated plan. I worked with staff and told Mr.

Coleman I'd be happy to redesign the entire storage area so those three bushes weren't impacted, and I was still told I needed to submit a full landscape plan.

Comm. Pateidl: As it relates to the landscaping plan in Stipulations A-F, there is berming of the islands to prevent foot traffic. Is that something you agree with?

Mr. Thuenemann: I don't know how it necessarily relates to this scope of work. I don't necessarily agree with it; I would rather create a path through the berm area so the patrons aren't walking through the driveway and the traffic lanes.

Comm. Roberson: I think an overall landscaping plan, if it is a \$4,000 situation, is a little overboard at this point. I would agree with the applicant that moving a couple bushes shouldn't require a new landscape plan. I'm not sure what parking lot islands we are talking about here, but if they are not bermed at this point in time, I don't see any need to berm them at this point. All they are doing is adding storage, and for us to require them to spend thousands of dollars in addition to the storage is a little overboard.

Chair Rohlf: Some of this might be carried forward from the last plan. Do all of those subsets apply here?

Mr. Klein: I understand what you are saying with regard to the landscape plan. Staff has been charged to do annual landscape inspections on these projects. Generally, we see small projects coming forward with a little landscaping. The issue is trying to compare that with an overall landscape plan. Sometimes, landscaping may have died or changed, and people may not realize it is not there when drawing up an area. Staff has to figure exactly where it fits and try to figure out if any of the previous landscaping is missing. It is very difficult to do. Over time, a number of amenities could be added piece by piece. Eventually, we could have 3-4 landscape plans with little areas in addition to the original. Sometimes we find that when they make changes, they don't take into account what was originally approved. Things are getting easier now with the use of CAD and digital files to modify. With regard to the comments on berming of the landscape islands, it is a standard comment. Staff would like to discourage as much as possible people walking through those islands. We have a requirement of 60% of the landscaped areas filled with living materials. If people are walking through the islands, it will kill the material and push the mulch out.

Comm. Roberson: I don't see any islands that would be appropriate to be bermed.

Mr. Klein: (*Referring to plan*) The areas that extend out on the side of the parking spaces are what we call landscape islands. The comment is for the overall landscape plan and not just for the scope of work they have currently. Right now, they are not showing landscape islands in the area they are doing work. This is if they provide an overall landscape plan.

Comm. Roberson: What trees are we talking about to be installed in 11a?

Mr. Klein: Three bushes are being moved on the addition they are proposing.

Mr. Thuenemann: We would relocate them or provide new plants.

Comm. Roberson: Are the trees already there?

Mr. Thuenemann: Yes, and they are not being affected by this project.

Chair Rohlf: What about the proposal not to move the holly bushes? Would you still want them to revise a landscaping plan at this time?

Mr. Coleman: The problem is we don't have a comprehensive landscape plan for this property, and staff is charged with making sure the plant materials meet the approved plans by the Governing Body. The annual review is extraordinary work, and it doesn't occur in most municipalities. We need a plan that is accurate and up-to-date. If we have multiple plans that are pieces of the plan that has been changed, it continues to migrate over time, and we don't have a good record of what is supposed to be there and is approved.

Comm. Pateidl: I'm having a little difficulty with this in the sense that with each of the additions and changes, we have had landscaping plans come in. Presumably, they have been completed in accordance with that. Are we really talking about something of substance here for somebody who is a pretty good corporate citizen of the City of Leawood, one who has done things right? They have done a beautiful job on their additions. They are talking about putting in storage, and I have a problem with adding this to the application. I would sense that perhaps staff has an obligation to start pulling some of this together and then perhaps work with the owner to come to an agreement as to what we have for a landscape plan. I see this as a penalty for no reason.

Mr. Coleman: I don't see it as a penalty; I see it as giving us an accurate plan of their property showing the landscaping. We aren't asking them to redesign it. We aren't asking them to do anything out of the ordinary. They have plans that they created from the past. We are just asking for them to bring that plan up-to-date and give it to us in a comprehensive fashion. We have asked this of all properties in the city. These plans get very extensive, and for our small staff to try to piece these together and try to figure out where one ended and so forth is very difficult. None of the staff are landscape architects, so trying to meet Governing Body's requirements is difficult. To try to do it with multiple plans that don't match up is virtually impossible.

Comm. Pateidl: If the city has a problem with its records, I think it's the city's problem and not the applicant's problem. That is just a personal opinion.

A motion to recommend approval of CASE 47-13 – TOWN CENTER PLAZA – BRISTOL ADDITION – Request for approval of a Revised Final Plan, located north of 119th Street and east of Nall Avenue – with Stipulations 1-14, eliminating No. 12, requiring an overall landscape plan and eliminating 11(b), berming of the parking lot islands – was made by Roberson.

A friendly amendment to eliminate Stipulation No. 11 was made by Williams.

Motion amended to include 12 staff stipulations after removing Nos. 11 and 12. Motion seconded by Williams. Motion approved with a vote of 6-1. For: Levitan, Pateidl, Roberson, Williams, Elkins and Ramsey. Opposed: Jackson.

CASE 65-13 – PRAIRIE STAR MIDDLE SCHOOL ADDITION – Request for approval of a Revised Final Plan, located north of 143rd Street and east of Mission Road.

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 65-13 – Prairie Star Middle School Addition. The applicant is requesting approval of a Revised Final Plan for a 1,242 sq. ft. addition at the entrance of the school off Mission Road on the east side of the building. The applicant is proposing to create a clear story that will extend 22 feet in the air. They also propose a canopy that will extend out approximately 30 feet. A sidewalk is located on the east side of the building. It will be removed and replaced on the east side of the building that connects to the parking lot. Materials and colors of the proposal match the existing building. The clear story will have a portion of the roof that will slope backward toward the interior of the school. No rooftop utilities are proposed with this plan.

No changes to landscaping are proposed with this plan, either. Staff is recommending approval of this application with the stipulations stated in the Staff Report.

Chair Rohlf: Is this addition similar to the elementary school?

Mr. Klein: Yes, they have done a couple of these in the City of Leawood. Prairie Star Elementary is one of the ones they did it with as well.

Applicant Presentation:

Craig Serig with Nevius, Serig, Palmer Architects, 11011 Cody Street, Overland Park, KS, 66210, appeared before the Planning Commission and made the following comments:

Mr. Serig: We are in agreement with the Staff Report and stipulations. We would be happy to answer any questions.

Chair Rohlf: Is this something that will be done prior to the new school year?

Mr. Serig: Construction on the exterior will start this fall and go through the following year.

A motion to recommend approval of CASE 65-13 – PRAIRIE STAR MIDDLE SCHOOL ADDITION – Request for approval of a Revised Final Plan, located north of 143rd Street and east of Mission Road – with 11 staff stipulations – was made by Jackson; seconded by Williams. Motion approved with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins and Ramsey.

CASE 71-13 – CAMELOT COURT – CORNER BAKERY CAFÉ – Request for approval of a Final Plan for a Tenant Finish, located south of Town Center Drive and east of Roe Avenue.

Staff Presentation:

City Planner Justin Peterson made the following presentation:

Mr. Peterson: This is Case 71-13 – Request for approval of a Final Plan for a Tenant Finish. The applicant is requesting approval for Corner Bakery to locate within Building M of Camelot Court. Building M is an existing 10,312 sq. ft. building located at the southeast corner of Roe Avenue and Town Center Drive. Corner Bakery is proposed to take 4,268 square feet of the western portion of this building. The building is constructed primarily of brick with large storefront windows along the south and west elevations. They are proposing to install white and black alternating striped awning along the south, the north portion of the west elevation and the west portion of the north elevation. They are proposing to install awning lights that will attach to the fascia of the awning and dispense light back up onto the awning. Staff is not supportive of the lighting and is recommending that they remove it. They are proposing a patio along the west elevation; however, it extends into the 40-ft. building setback, so it cannot be approved with this application. They are proposing a trash enclosure as well on the north. This will extend into the building setback as well and cannot be approved with this application. Staff recommends approval of Case 71-13, following the stipulations outlined in the Staff Report, and I'll be happy to answer any questions.

Comm. Williams: I have a question about the patio and its encroachment into the setback. Is that because it's a built structure that the setback is an issue, or is it the patio footprint itself?

Mr. Klein: It is a built structure. They have a fireplace. We define a structure as a vertical member that comes out of the ground. They have a railing that goes along this, and specifically in the LDO under the definition of a structure, it specifically mentions fences. The way it defines it applies to any manmade build structure of any kind.

Comm. Williams: If they took the trellis and fireplace down and just did a patio with furniture, they would not have a problem.

Mr. Klein: We have talked with the applicant, and we are hoping they can get what they want; they just may have to change form a little bit. We would like a chance to work with them. At this point, at least it gets them the façade with the awning and signage.

Comm. Williams: But we can't approve it as it is now, so we don't need to spend a lot of time on it.

Mr. Klein: Correct.

Applicant Presentation:

John Petersen, Polsinelli Law Firm, 6201 College Boulevard, appeared before the Planning Commission and made the following presentation:

Mr. Petersen: This is a joint effort between MD Management, owner of Camelot Court Shopping Center, and Corner Bakery. Jim Harpool, Director of Development with MD Management is representing the shopping center. Frank Westmeier is here with Corner Bakery, along with John Miller, Danny Potts and Leslie Hatfield with Klover Architects. I am going to speak for a few minutes and then get to a continuance so that we can do what staff has suggested. I think it's worth your time because you will hear about this again as we bring plans for the development forward. As you know, we brought a rezoning for the shopping center before you and a revised preliminary plan that addressed extensive modifications to the architecture of the center, to the parking lot, to the landscaping and reconfiguration of drives. What is pending is to bring a final plan for the shopping center. We have that CID application coming to the Governing Body on a separate track. The delay in advancing the final plan for the whole center has been a positive delay. We are waiting for Hen House to complete their design for their major modifications so we can make sure we are consistent with what we showed you at the preliminary plan stage. That also involves them finishing their interior redesign. That is taking a bit longer than we had hoped. We anticipate the next 60 days or so, we'll have that signoff from Hen House and we will bring the plan through. Corner Bakery is eager to get into the center and get open. We asked if we could bring through a preliminary final plan that would allow us to get the inside tenant improvement started and get a slight modification started on the outside, some of which would be temporary because we will change out awnings and bring in those that port with the new face of the building and a consistent look for the entire center. This issue about the patio was a bit of a surprise to our design team because the footprint of the patio and the trash enclosure is reflected on the approved preliminary plan. Because we are in the 40-ft. setback with any kind of structure, we have to take this matter to the BZA, which can take 60-90 days. I broached the subject with the assistant city attorney tonight. There may be a way we can do it through the plan zoning concept without going to the BZA to speed it up.

(Refers to plan) You can see this will be something of substance and quality. We would hate to have to pull it out of that area and put it in the front of the store or reconfigure it where it doesn't bring that pedestrian friendly element to the shopping center they're looking for. We will take a continuance. We have asked to be continued to the 15th of July, which will give us time to work through some issues. We may have to ask for another continuance, but I would hate to go 30 days if we can work something out to get Corner Bakery open even with a temporary awning system. I think we're okay with most of the issues of staff. Regarding the lighting, ultimately, we will have the gooseneck lamps shown as part of our preliminary plan application. Because the awning system is a signature piece for Corner Bakery, we hope to be able to put some illumination on it with the lights on the top of the awnings. We will work with staff on that. I don't find anything in the code that would prohibit it. We are looking to get some people open and get activity there. I hope this gives you a little context when we come back to you. We'd love to hear comments; if not, I would respectfully ask for a continuance.

Ms. Shearer: The next Planning Commission meeting would be the 23rd of July.

Chair Rohlf: Does Camelot Court currently have a set of design guidelines for the shopping center as a whole?

Mr. Petersen: We will be presenting that as part of the final plan application. We recognize that as anything advances with Corner Bakery, anything that would stay after the overall development must conform to our overall design guidelines.

Chair Rohlf: You're pretty confident that your final plan is getting close to completion? We've already looked at the Red Door apart from the final plan, and now we have this one.

Mr. Petersen: Yes, we are really done and are just waiting for that final signoff from Hen House before we can present it. They know how the outside impacts the inside with how they will operate the store.

A motion to continue CASE 71-13 – CAMELOT COURT – CORNER BAKERY CAFÉ – Request for approval of a Final Plan for a Tenant Finish, located south of Town Center Drive and east of Roe Avenue to the July 23, 2013 Planning Commission meeting – was made by Williams; seconded by Roberson. Motion approved with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins and Ramsey.

CASE 73-13 – TOWN CENTER PLAZA – DICK'S SPORTING GOODS – Request for approval of a Revised Final Plan for a Tenant Finish, located south of Town Center Drive and east of Nall Avenue.

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 73-13. The applicant is requesting approval of a Revised Final Plan for a Tenant Finish to clad the wood elements of the building in green aluminum and to change the main entry doors on the east side of the building from swing doors to automatic sliding doors. Most of you are probably familiar with Dick's Sporting Goods store located in Town Center Plaza. There are currently some wood beams that support a barrel-shaped canopy that extends on the east elevation. There are also wood members located on the west elevation adjacent to Nall Avenue. The applicant is proposing to enclose these in Hartford Green aluminum. In addition to that, they want to change the swing entry doors located on the east elevation to automatic sliding doors. That will entail changes to the vestibule on that side of the building.

I would like to add a stipulation. Currently, work is going on inside Dick's. I talked with the applicant, and although the studs are visible from the exterior of the window, they will be finishing the side facing outward. We would like to add a stipulation requiring that any interior walls that face the exterior of the building shall be finished. Staff is recommending approval of this application as stated in the Staff Report and with the additional stipulation. I'll be happy to answer any questions.

Comm. Williams: I guess I don't know where to start with this aluminum siding. In one breath, we have said that aluminum siding is not allowed. We have gone through a lot of struggles to get products like what is on Crate & Barrel approved when it is an integral part of the texture and feel of the design. That said, with not having any detail of how this panning system is going to occur around these wood members and over the metal brackets that hold the timbers together, we don't really know what this is going to look like. I have a great concern that it is going to look horrible. I can understand the desire to address the weathering of the wood and what appears to be a little rusting of the metal brackets. There are ways to treat this. They're not permanent. Aluminum siding isn't permanent in and of itself, but it's just less maintenance over a period of time. Why would we approve this in this type of application where other places have been denied aluminum siding, panning, trimming, etc.?

Mr. Klein: We have talked about aluminum siding in the past, and from staff's perspective, this was a little different; although, I certainly hear what you're saying. We approached the applicant with regard to some of the same concerns. In this case, it was wrapping things that appeared to be almost like mullions of windows and things like that. In the past, staff has generally come out with larger sheets of aluminum on the façade of the building where these are wrapping the columns themselves. That is where staff is coming from with regard to the aluminum siding.

Comm. Williams: A window frame is a lot smaller than these wood columns. This will be a massive expression of Hartford Green. Have we seen an example of this?

Mr. Klein: The applicant should be able to show a sample. He might be able to answer other questions with regard to detail. We had a lot of the same concerns you are raising now with regard to trying to maintain the wood on the building. The applicant indicated this would preserve the wood. It is probably better for him to explain that.

Applicant Presentation:

Jim Lazzari, FRCH Design, 311 Elm Street, Cincinnati, OH, 45202, appeared before the Planning Commission and made the following comments:

Mr. Lazzari: I will answer some of the questions right now. (*Refers to sample*). The Hartford Green is a standard color used on all the stores. We are in agreement with the Staff Report and stipulations. We understand the wall that has the exposed studs; it is just part of the interior work that is ongoing. Based on some of the comments here, I think we are familiar with the weathered look of the wood that is currently there. This is a former Galyan's Trading Company store that Dick's bought. A number of these stores are undergoing remodel. You are probably familiar with the typical two-level Dick's Sporting Goods store and the finishes that are used there. That is their signature entry. We're attempting to clad it in green to take care of the weathering issue on the wood. (*Shows sample*) This will show the extent as far as what will be clad in the green material. It is a material they have been using for 16-17 years now, and it weathers incredibly well. It is a standard color they use throughout all their Dick's Sporting Goods stores.

Chair Rohlf: Is that wrapped around?

Mr. Lazzari: Yes. This is the approach that has been taken on a number of these former Galyan's stores that have these wood structures. Proportionally and scale-wise, it seems to fit quite well. It is not an overuse of the material; it is minimized to where the wood timber is.

Comm. Roberson: I notice all the signs are missing.

Mr. Klein: The City Council and Planning Commission heard a case in which signage would be approved administratively. It had to meet several criteria, including all of the criteria from the LDO. In addition to that, the development had to have sign criteria in place, which Town Center Plaza does, and it has to meet the sign criteria. When those conditions occur, the signage is approved administratively. This is an example of an administrative approval.

Comm. Williams: The last photograph of the other store's cladding looks nice. Could you share with us how you handle the butt joints? I only ask from the perspective of how it's going to ultimately look close-up and how it will last over time.

Mr. Lazzari: Most of the connections are somewhat hidden. There are detailed drawings that would be submitted as part of the permit. Actually, there is enough of a reveal in it that it allows air flow and drainage

to happen in case any moisture would be contained within that column enclosure itself. Most of this material has been time-tested for the past 15-16 years, which is as long as we've been working with Dick's Sporting Goods, and it's been a standard material we have used during that time as far as their signature color and prototype. What we have found with this color is it has a lot of fade resistance to it, so it doesn't change colors in five years as other finishes will. The green seems to stay very true. I know I passed three Dick's Sporting Goods stores on my way here, and the green has maintained its color.

Comm. Williams: You said the attachments are predominantly sealed?

Mr. Lazzari: Correct.

Comm. Williams: We won't see screws or rivets?

Mr. Lazzari: No, that way we don't have connections that would create rust spots on the green and we don't have gaps that can create different drainage stains. It has all be refined to maintain a clean look.

Mr. Coleman: As a point of clarification, there are two wood columns on each side of the entry. Are those going to be combined into one column and clad?

Mr. Lazzari: Yes, that is what is being proposed. The four columns would be combined into one, and the additional ones on each side would stay individual.

Comm. Williams: Is this what you did with the other renovated store?

Mr. Lazzari: Yes.

Comm. Williams: I think it looks nice in the photograph you showed.

Comm. Pateid: I have a question that goes back to Mr. Klein's comment about the additional stipulation. Does the applicant understand that, and can we clarify it?

Mr. Klein: Yes, and I talked with the applicant about this before the meeting to make sure he wouldn't be blindsided. He indicated that was the intent all along. The stipulation would require that the back of any interior wall facing the exterior window would be finished, as opposed to studs.

Mr. Lazzari: We are in agreement with that. The finish is actually in the construction documents that are part of the interior remodel currently in progress.

Chair Rohlf: This takes us up to a motion, I believe.

A motion to recommend approval of CASE 73-13 – TOWN CENTER PLAZA – DICK'S SPORTING GOODS – Request for approval of a Revised Final Plan for a Tenant Finish, located south of Town Center Drive and east of Nall Avenue – with the 4 stipulations and the addition of a 5th to read: "The back of any interior walls shall be finished, not allowing exposed studs" was made by Williams; seconded by Roberson.

Comm. Elkins: I am going to be opposing this proposal tonight. I think the combination of the stone and wood gives this particular building a character that is consistent with the balance of the Town Center Shopping Center. I think the cladding that is proposed appears to have weathered well, but I think it renders a building that has some architectural interest to it to a more utilitarian or warehouse effect. I say that

without prejudice because it certainly is not a warehouse. From my perspective, I think we're doing a disservice to the shopping center to change to a more utilitarian approach.

Motion approved with a vote of 6-1. For: Levitan, Pateidl, Roberson, Jackson, Williams and Ramsey. Opposed: Elkins.

CASE 76-13 – CAMDEN WOODS SIGN CRITERIA – Request for a Final Sign Plan, located north of 143rd Street and east of Kenneth Road.

Staff Presentation:

City Planner Justin Peterson made the following presentation:

Mr. Peterson: This is Case 76-13 – Request for approval of a Sign Plan for Kenneth Woods, located at the southwest corner of Kenneth Road and 143rd Street. Camden Woods is an office retail building that does not currently have sign criteria. The criteria proposes to limit signage to individually wall-mounted letters, internally halo or non-illuminated. A maximum of two wall signs will be permitted with no more than one sign per façade. Signage will not exceed 12 inches and will not exceed 85% of the width of the storefront. The total area of the sign shall not exceed 5% of the area of the building, and signage will be limited to the name of the tenant and the tenant logo only. Staff recommends approval of Case 76-13, and I'd be happy to answer any questions.

Chair Rohlf: These look like good sign criteria.

Applicant Presentation:

No applicant representative was present to speak.

Chair Rohlf: Can we just move for approval?

Mr. Klein: If you don't have any objections.

Chair Rohlf: I don't think we do. This is basically taken from our ordinance, isn't it?

Mr. Klein: Yes, staff worked with them to include what would meet the LDO.

Chair Rohlf: Do you know if something precipitated this?

Mr. Klein: With the change allowing signs to be approved administratively, that route is a lot faster than having to go through the Planning Commission and City Council. I think they wanted these in place to allow for administrative approval.

A motion to recommend approval of CASE 76-13 – CAMDEN WOODS SIGN CRITERIA – Request for a Final Sign Plan, located north of 143rd Street and east of Kenneth Road – was made by Jackson; seconded by Roberson. Motion approved with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins and Ramsey.

CASE 27-13 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2-9, PERFORMANCE STANDARDS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to noise from generators. **PUBLIC HEARING**

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 27-13 – Leawood Development Ordinance Amendment to Section 16-2-9 – Performance Standards – all districts, pertaining to noise associated with generators for hospitals installed on or before January 1, 2003. This amendment is to exempt hospital generators installed on or before January 1, 2003 from the maximum noise level of 60 db, provided that the following are met:

1. In no case shall the decibels exceed 70 db.
2. In no case shall the decibels exceed 75 db at 25 feet.

After the effective date of this ordinance, it will limit those who are eligible for this exemption to those that have been constructed or installed on January 1, 2003. It is pretty tightly written. Staff is recommending approval of this application, and I'd be happy to answer any questions.

Comm. Jackson: Who are we making this exception for?

Mr. Klein: There is an issue with Kansas City Orthopedic Institute located south of College Boulevard and west of Tomahawk Creek Parkway with their emergency generator. They are trying to address some issues.

Comm. Jackson: Is that the only one in the Leawood that would fall within this exemption?

Mr. Klein: Honestly, I can't tell you if there are other emergency generators that were installed before that time. I would assume there is a good chance, but I can't tell you off the top of my head.

Comm. Jackson: As far as you know, it is truly an emergency generator and is rarely run?

Mr. Klein: It is my understanding that they are required by federal law to have this backup generator, and it is tested on a monthly basis and a little bit longer period of time on an annual basis.

Public Hearing

Greg Musil, Polsinelli Law Firm, 6201 College Boulevard, Suite 500, Overland Park, KS, 66211, appeared and made the following comments:

Mr. Musil: I am here on behalf of Kansas City Orthopedic Institute. Mr. Ken Kuse, the general manager of the building is here as well. You will also hear from Scott Beeler, who is representing the neighborhood association to the west. We have worked on this for quite some time, trying to find the right balance between an emergency generator that we have to have under federal regulations for patients that are under anesthesia or otherwise in the event of a power interruption. The generator is tested once a month for 30-45 minutes from warm-up to warm-down. It is tested once a year for a slightly longer period of time. It would obviously run if there were a power interruption. Mr. Kuse can speak to that, but I don't think that has happened. The issue is based on the monthly testing. We are attempting to set some standards for what could be done in a situation like this. The Leawood Development Ordinance has a general rule of 60 decibels at the property line. This ordinance amendment says that a hospital that has a generator in place has to have a manufacturer's spec of 70, and because sound is treated differently depending on many different conditions, it can never exceed 75 decibels at 25 feet from the generator itself. This has been worked on extensively with the neighbors and with your legal staff. We are simply here in support of the amendment.

R. Scott Beeler, 10851 Mastin, Leawood, KS, appeared before the Planning Commission and made the following comments:

Mr. Beeler: I represent The Woods Homes Association, which is directly to the west of KCOI. Also here tonight is Mr. Alan Agran, one of the residents of The Woods, and their designated representative. Mr. Musil has accurately said that this has been an ongoing process. It is a work in unison between the hospital and

the neighborhood to recognize an issue that, quite honestly, is a “fall through the cracks” kind of issue. The neighborhood certainly did not know there would be an emergency generator. The city may or may not have known the plans; we are unclear about that. Certainly, the hospital did not intend to violate any particular ordinances, but we had what we had. It was a situation in which the hospital could not simply move. The parties have tried to work diligently together to come to a solution, which is a compromise of some sort which will not meet the tenor of the existing ordinance but will assure the neighborhood that what was at one time a 75 DBA tested sound coming out of that generator can be reduced down to the 70 level. It is a considerable improvement. As I said, it is part of a process. The association has worked with city attorney Patty Bennett. Mr. Musil and I, Mr. Kuse and his staff, Mr. Agran and other residents all worked together to come to this particular agreement. We did a little bit of research, and I don't think you have any other generators of this type, certainly not of this magnitude in Leawood. It is an exception that we simply had to find a way to deal with. On behalf of The Woods, we support the passage of the proposed language.

As no one else was present to speak, a motion to close the Public Hearing was made by Roberson; seconded by Williams. Motion approved with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins and Ramsey.

A motion to recommend approval of CASE 27-13 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2-9, PERFORMANCE STANDARDS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to noise from generators with hospitals installed on or before January 1, 2003 – was made by Elkins; seconded by Williams. Motion approved with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins and Ramsey.

ELECTION OF OFFICERS

A motion to nominate Lisa Rohlf to Chair of the Planning Commission was made by Jackson; seconded by Elkins. Motion approved with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins and Ramsey.

A motion to nominate Len Williams to Vice Chair of the Planning Commission was made by Rohlf; seconded by Roberson. Motion approved with a unanimous vote of 7-0. For: Levitan, Pateidl, Roberson, Jackson, Williams, Elkins and Ramsey.

MEETING ADJOURNED